

REMARKS

The Official Action of March 14, 2005, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 1-8, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

The Examiner has rejected claims 1-6 under 35 U.S.C. 112, first paragraph and claims 2-6 under 35 U.S.C. 112, second paragraph.

In response to the Examiner's rejection of claims 2-6 under 35 U.S.C. 112, second paragraph. Applicant has amended the claims to eliminate each of the antecedent problems identified by the Examiner with the exception of "said build-up portion of the cork" which has a clear antecedent basis on line 15 of claim 1. Applicant respectfully submits that this rejection has now been overcome.

Applicant respectfully traverses the Examiner's rejection of claims 1-6 under 35 U.S.C. 112, first paragraph as Applicant does not agree that the specification contains subject matter which is not described in the specification in a way to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention.

Applicant submits that the examples identified by the Examiner to support his position have been viewed by the Examiner separate from the invention disclosure in figs. 1-6 of the specification. Applicant believes that the skilled

artisan would have no difficulty whatever understanding the operation of the invention given review of its written description in combination with Figs. 1-6.

However, Applicant does agree that clarification of some of the language in the specification would be useful. Accordingly, Applicant has made the following amendments in response to the problems identified by the Examiner.

- 1) Corkscrew has been changed to cork extractor throughout the disclosure.
- 2) "Spindle drive" has been deleted from the claims
- 3) Applicant has amended the specification and added new claim 8 to clarify that the cork is guided by a porion of the second shell above the abutment collar while the cork is being withdrawn. There is nothing in the specification or drawings that suggest that the guiding collar (11) serves that purpose. Guiding collar (11) serves only to engage the bottleneck and the specification has been amended to limit it to that function, and
- 4) The specification has been amended on pages 5 to clarify that the user uses two hands to operate the cork extractor.

Applicant does not understand the Examiner's comment regarding "arcuate motion instead of a linear (motion)." During lifting of the cork after engagement of the cork extractor to the bottle, the specification makes clear that the lifting motion is linear (see arrow 18 in fig. 1). The specification addresses engagement of the cork extractor to

the bottle in terms of engagement of driving collar (8) and abutment collar (10) under the build-up portion of the cork. It is also clear from the disclosure that both half-cylinder shells (1,2) are rotatable around swivel bearing bolts in bearing bores 5 and 7 to facilitate the engagement of driving collar (8) and abutment collar (10) under build-up portion of the cork. Given the above structure it appears obvious that the user would know how to engage the cork extractor on the bottle. If the Examiner does not agree, Applicant requests a further explanation of the problem addressed.

Absent any application of prior art and a specification and drawings which clear the structure and operation of the invention, Applicant respectfully submits that the claims are allowable and that this application is now in condition for allowance.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.


The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

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Amdt. dated June 14, 2005
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Respectfully submitted,

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